

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Signature

Appl No. : 09/642,458 Confirmation No. 7111
Applicant : Alexander G. MacInnis, et al.
Filed : August 18, 2000
Title : VIDEO AND GRAPHICS SYSTEM WITH AN INTEGRATED SYSTEM
BRIDGE CONTROLLER

TC/A.U. : 2672
Examiner : Jeffery A. Brier

Docket No. : 37259/SAH/B600
Customer No. : 23363

REQUEST FOR REFUND

Finance Office, Refund Section
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Post Office Box 7068
Pasadena, CA 91109-7068
April 29, 2005

Commissioner:

Applicants request a refund of an incorrect withdrawal on March 15, 2005, of fees regarding an alleged petition for 3-month extension of time. The incorrect withdrawal was made when applicants submitted a "Notice of Appeal from the Primary Examiner to the Board of Patent Appeals and Interferences" mailed February 11, 2005 with a certificate of mailing. Incidentally, this Notice of Appeal appears on the PAIR system as having been filed on February 15, 2005.

Applicants mailed a response to the final Office Action mailed August 11, 2004 on October 12, 2004 with a certificate of mailing, which was within 2 months of the mailing date of the


Appln No. 09/642,458
Amdt date April 29, 2005
Reply to Office action of N/A

August 11, 2004 Office Action since the Patent Office was closed on October 11, 2004, as it was Columbus Day.

Applicants believe that no petition for extension of time and fee was required because the Examiner had not yet mailed an Advisory Action at the time the Notice of Appeal was filed. In more detail, according to MPEP § 706.07(f), "if the reply is filed within 2 months of the date of final Office action, the shortened statutory period will expire at 3 months from the date of the final rejection or on the date the advisory action is mailed, whichever is later." (Emphasis Added) Since the Advisory Action had not yet been mailed, it is applicants' understanding that the shortened statutory period had not expired at the time the Notice of Appeal was filed on February 11, 2005, since the response was filed within 2 months of the mailing date of the Office action. In fact, applicants received a facsimile copy of an Advisory Action on March 24, 2005 and just received the Advisory Action mailed April 21, 2005.

The amount of overpayment is \$1,020.00. The Commissioner is authorized and requested to credit our Deposit Account No. 03-1728. Please show our above-referenced docket number with the credit to our Deposit Account.

Respectfully submitted,
CHRISTIE, PARKER & HALE, LLP

By 
Jun-Young E. Jeon
Reg. No. 43,693
626/795-9900

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